

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

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In re:	:	Chapter 11
	:	
CIRCUIT CITY STORES, INC., <u>et al.</u> ,	:	Case No. 08-35653-KRH
	:	
	:	Jointly Administered
Debtors.	:	
-----X		

**MOTION OF JAMES M. STACIA TO
FILE OBJECTION TO THE DEBTORS'
MOTION TO REJECT HIS SEPARATION AGREEMENT
AND RELEASE OF CLAIMS**

COMES NOW, James M. Stacia, ("Mr. Stacia"), by counsel, and respectfully states as follows for his Motion to File an Objection to the Debtors' Motion to Reject his Separation Agreement and Release of Claims ("Debtors' Motion").

1. Mr. Stacia had been a long time and loyal employee of Circuit City Stores, Inc. ("Circuit City"), with his employment beginning in June, 1992.
2. Mr. Stacia is listed on Exhibit A of the Debtors' Motion as being one of the individuals and entities who allegedly have "executory contracts" with the Circuit City, in which Circuit City is seeking to reject those executory contracts.
3. On September 2, 2008, Mr. Stacia received notice that his employment with Circuit City would be terminated. Shortly thereafter, Mr. Stacia received a letter, attached as Exhibit 1, in which he was provided post-employment benefits in exchange for a waiver of certain claims that he may have against Circuit City. Mr. Stacia agreed to waive any claims in exchange for the benefits listed in the September 2, 2008, letter.

4. On November 12, 2008, Mr. Stacia received a letter from Circuit City, attached hereto as Exhibit 2, informing him that the contract he had with Circuit City for certain benefits in exchange for his release of claims would not be honored and that Circuit City would seek Bankruptcy Court approval to reject the Agreement. In that letter, Circuit City told Mr. Stacia that he would receive notice of any hearing to reject the Agreement. Mr. Stacia did not receive notice of a hearing.

5. On December 22, 2008, Circuit City had a hearing wherein this Court entered an Order rejecting the contracts, provided that six individuals would be given until December 29, 2008, at 4:00 PM to file a response to the Creditor's Motion. Mr. Stacia did not receive notice of the hearing on December 22, 2008. He first became aware of the hearing when he read an article in the *Richmond Times Dispatch* on December 23, 2008.

6. Because Mr. Stacia did not receive notice of the December 22, 2008, hearing and because to do so would not prejudice the Debtor, Mr. Stacia would move the Court to be added to the list of individuals who have until December 29, 2008, at 4:00 PM to file an objection to the Motion and that he be heard on January 16, 2009, at 10:00 AM for his objection.

Dated: December 29, 2008

Respectfully submitted,

/s/ Frank F. Rennie, IV
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CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of December, 2008, I caused a copy of the foregoing to be served by electronic means through the ECF system.

/s/ Frank F. Rennie, IV
Frank F. Rennie, IV